

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 221, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning civil
- 3 procedure.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 34-18-3-5, AS AMENDED BY P.L.1-1999,
- 6 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (b),
- 8 the receipt of proof of financial responsibility and the surcharge
- 9 constitutes compliance with section 2 of this chapter:
- 10 (1) as of the date on which they are received; or
- 11 (2) as of the effective date of the policy;
- 12 if this proof is filed with and the surcharge paid to the department of
- 13 insurance not later than ninety (90) days after the effective date of the
- 14 insurance policy.
- 15 (b) If an insurer **or health care provider** files proof of financial
- 16 responsibility and makes payment of the surcharge to the department
- 17 of insurance at least ninety-one (91) days but not more than ~~one~~
- 18 ~~hundred eighty (180)~~ **seven hundred forty (740)** days after the policy
- 19 effective date, the health care provider is in compliance with section 2
- 20 of this chapter. ~~if the insurer demonstrates to the satisfaction of the~~
- 21 ~~commissioner that the insurer:~~
- 22 ~~(1) received the premium and surcharge in a timely manner; and~~
- 23 ~~(2) erred in transmitting the surcharge in a timely manner.~~
- 24 © If the commissioner accepts a filing as timely under subsection
- 25 ~~(b)~~, The filing must, in addition to any penalties under IC 34-18-5-3, be
- 26 accompanied by a penalty amount as follows:
- 27 (1) Ten percent (10%) of the surcharge, if the proof of financial
- 28 responsibility and surcharge are received by the commissioner at

1 least ninety-one (91) days and not more than one hundred ~~twenty~~
 2 ~~(120)~~ **eighty (180)** days after the original effective date of the
 3 policy.

4 (2) Twenty percent (20%) of the surcharge, if the proof of
 5 financial responsibility and surcharge are received by the
 6 commissioner at least one hundred ~~twenty-one (121)~~ **eighty-one**
 7 **(181)** days and not more than ~~one hundred fifty (150)~~ **two**
 8 **hundred seventy (270)** days after the original effective date of
 9 the policy.

10 (3) Fifty percent (50%) of the surcharge, if the proof of financial
 11 responsibility and surcharge are received by the commissioner at
 12 least ~~one hundred fifty-one (151)~~ **two hundred seventy-one**
 13 **(271)** days and not more than ~~one hundred eighty (180)~~ **three**
 14 **hundred sixty (360)** days after the original effective date of the
 15 policy.

16 (4) **Seventy-five percent (75%) of the surcharge, if the proof**
 17 **of financial responsibility and surcharge are received by the**
 18 **commissioner at least three hundred sixty-one (361) days and**
 19 **not more than four hundred fifty (450) days after the original**
 20 **effective date of the policy.**

21 (5) **One hundred percent (100%) of the surcharge, if the proof**
 22 **of financial responsibility and surcharge are received by the**
 23 **commissioner at least four hundred fifty-one (451) days and**
 24 **not more than five hundred forty (540) days after the original**
 25 **effective date of the policy.**

26 (6) **One hundred twenty-five percent (125%) of the surcharge,**
 27 **if the proof of financial responsibility and surcharge are**
 28 **received by the commissioner at least five hundred forty-one**
 29 **(541) days and not more than six hundred thirty (630) days**
 30 **after the original effective date of the policy.**

31 (7) **One hundred fifty percent (150%) of the surcharge, if the**
 32 **proof of financial responsibility and surcharge are received by**
 33 **the commissioner at least six hundred thirty-one (631) days**
 34 **and not more than seven hundred thirty (730) days after the**
 35 **original effective date of the policy.**

36 SECTION 2. **An emergency is declared for this act.**
 (Reference is to SB 221 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

GARTON

Chairperson